

06-17-02

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DOCKET NO.: PHRM-0295/6297.1CP

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

JUN 26 2002

TECH CENTER 1600/2900

In Re Application of: Lowery et al.

Serial No.: 09/693,746

Group Art Unit: 1646

Filing Date: October 20, 2000

Examiner: Joseph F. Murphy

For: **DROSOPHILA G PROTEIN-COUPLED RECEPTORS, NUCLEIC ACIDS
AND METHODS RELATED TO THE SAME**EXPRESS MAIL LABEL NO. EL926700985
DATE OF DEPOSIT: JUNE 14, 2002

EL926700985US

Box ☐ NON-FEE☐ AFAssistant Commissioner for Patents
Washington DC 20231

Sir:

REPLY TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified patent application is:

- ☐ A Preliminary Amendment.
- ☒ A Response to the Office Action Dated March 15, 2002.
- ☐ An Amendment Supplemental to the Paper filed _____.
- ☐ Other: _____.

☐ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR

§1.27 as:

- ☐ an Independent Inventor
 - ☐ a Small Business Concern
 - ☐ a Nonprofit Organization
-
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the Patent and Trademark Office.
 - ☐ Substitute Pages _____ of the Specification are enclosed.
 - ☐ An Abstract is enclosed.
 - ☐ _____ Sheets of Proposed Corrected Drawings are enclosed.
 - ☐ A Certified Copy of each of the following applications: _____
_____ is enclosed.
 - ☐ An Associate Power of Attorney is enclosed.
 - ☐ Information Disclosure Statement.
 - ☐ Attached Form 1449.
 - ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
 - ☐ Appended Material as follows: _____.
 - ☐ Other Material as follows: _____.

FEE CALCULATION

☐ No Additional Fee is Due.

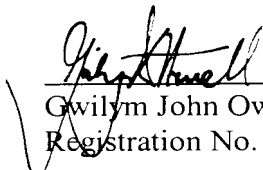
				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	62	82 (20 MINIMUM)	0	\$9 EACH	\$	\$18 EACH	\$ 0
INDEP. CLAIMS	9	9 (3 MINIMUM)	0	\$42 EACH	\$	\$84 EACH	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$140	\$	\$280	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$
<input checked="" type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$200	\$	\$400	\$ 400
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$460	\$	\$920	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$720	\$	\$1440	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$980	\$	\$1960	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$)	minus	(\$)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE							\$ 400

- ☒ A Check is Enclosed in the Foregoing Amount Due.
- ☒ Petition is hereby made under 37 C.F.R. 1.136(a) to extend the time for response to the Office Action of **March 15, 2002** to and through **June 15, 2002** comprising an extension of the shortened statutory period of **(2)** month(s).
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.

- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- ☐ The Foregoing Amount Due for Filing this Paper.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: *June 14, 2002*


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In re application of: Lowery *et al.*

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For: **DROSOPHILA G PROTEIN-COUPLED RECEPTORS, NUCLEIC
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DATE OF DEPOSIT: JUNE 14, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

RESPONSE

This paper is in response to the Restriction Requirement dated March 15, 2002. A petition for an extension of time and the appropriate fee accompany this response.

REMARKS

Claims 1-62, all the pending claims, are subject to a restriction requirement.

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Restriction Requirement

The Office Action has required Applicants to elect one of 300 allegedly patentably distinct inventions for examination. Specifically, the Examiner alleges, *inter alia*, that the inventions "which possess characteristic differences in structure and function . . ." Applicants disagree and respectfully traverse the restriction requirement.

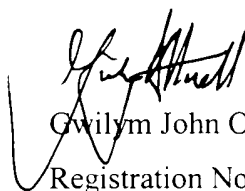
Applicants provisionally elect herein Group CCLXXXVIII encompassing claims 46 and 59, drawn to "a method for identifying a modulator of binding between a DmGPCR9 and SEQ ID MO;157, classified in class 435, subclass 7.8."

Notwithstanding the foregoing, Applicant respectfully submits that the 300 groups of claims set forth by the Examiner are amenable to further grouping and that such further grouping would not impose a serious burden on the Examiner.

Applicant reserves the right to prosecute the claims encompassed by any of the non-elected groups in future continuing and/or divisional applications.

The examination of these claims and passage to allowance are respectfully requested. An early Notice of Allowance is therefore earnestly solicited. Applicant invites the Examiner to contact the undersigned at (215) 564-8338 to clarify any unresolved issues raised by this response.

Respectfully submitted,



Gwilym John Owen Attwell

Registration No. 45,449

Date: June 14, 2002
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